




LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, June 21, 2011
IberiaBank Building – Board Room
200 West Congress Street
Lafayette, Louisiana
2:00 p.m.

AGENDA

1. Call to Order and Approval of the Agenda, pgs. 148-149
2. Adoption of the Minutes, May 31, 2011 Meeting* Tab 1,
pgs. 150-155
3. Budget Committee Updates and Recommendations, Tab 2
 - a. Financial Report, pgs. 156-159
 - b. LPDB Financial Review, pg. 160
 - c. DAF Disbursement
4. Policy Committee Updates and Recommendations, Tab 3
 - a. Service Restriction Protocol*, pgs. 160-170
 - b. Legislative Auditor – Deficit Spending Report,
pgs. 171-197
5. Contract Approval for IT back-up* - Tab 4
 - a. Resolution, pg. 198
6. LJC – LPDB Collaboration*
 - a. Board Appointments
7. 2011 Legislation
8. Deputy Public Defender/Juvenile Director
 - a. Applicant Update
 - b. Selection Committee
 - c. Meeting Date
9. Judiciary Correspondence, Tab 5, pgs. 199-204
10. SPD Report, Tab 6, pgs. 205-209

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11. Other Business
 12. Next Meeting Date(s)
 13. Adjournment



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Board Meeting

Tuesday, June 21, 2011
IBERIABANK Building
200 West Congress Street
Lafayette, LA
2:00 PM

MINUTES

A meeting of the Louisiana Public Defender Board, pursuant to the call of its Chairman and lawful notice, was duly convened and called to order by its Chairman at 2:00 p.m. on June 21, 2011, at the IBERIABANK Building in Lafayette, Louisiana.

The following Board Members were present:

Frank Neuner, Chairman
Sam Dalton
Leo Hamilton
Rev. Dan Krutz
Tom Lorenzi
Lucy McGough
Majeeda Snead
Gina Womack

The following Board Members were absent:

Judge Robert Burns
Cleveland Coon
Add Goff
Frank Holthaus
Luceia LeDoux
Christine Lipsey
Pam Metzger

The following *ex officio* Board Members were absent:

Judge Robert Brinkman
Rebecca Hudsmith

The following members of the Board's staff were present:

Jean M. Faria, State Public Defender
Julie Kilborn, Deputy Public Defender–Director of Training
John Di Giulio, Trial-Level Compliance Officer
Kristy Boxberger, Juvenile Justice Compliance Officer
Laurie Durnin, Budget Officer
Dr. Erik Stilling, Information Technology and Management Officer
John Craft, Capital Case Coordinator
Roger Harris, General Counsel
Anne Gwin, Paralegal, Executive Assistant to the State Public Defender
Lynette Roberson, JIDAN Coordinator

1. Budget Committee Updates and Recommendations.

- a. Financial Report.** Ms. Durnin presented the agency financial report. She reported that appropriations made in House Bill 1 for fiscal year 2011-2012 represented a cut to the agency's budget of approximately \$500,000.
- b. LPDB Financial Review.** Ms. Durnin informed members that staff reviewed the existing budget for funds available for emergency distribution to districts. She reported \$537,778 in emergency funds has been distributed proportionately to five districts facing shortfall.
- c. DAF Disbursement.** Dr. Stilling reported that the agency is planning on a standstill budget for fiscal year 2011-2012. He also reported that local revenues to districts and local fund balances have decreased while expenditures and caseloads have increased. Staff expects several districts to experience financial failure. Staff also informed members that the agency will not disburse funds to districts that do not submit a balanced budget.

2. Policy Committee Updates and Recommendations.

- a. Legislative Auditor – Deficit Spending Report.** Mr. Harris presented the May 25, 2011 Legislative Auditor's Report on districts' financial reporting. According to the report, 28 of the 42 districts reported "deficit spending" for the 18-month period ending June 30, 2010. Committee members requested that staff respond to the report and clarify that rather than "deficit spending", districts where expenditures exceed revenues are expending positive fund balances. Staff was also instructed to include the service restriction protocol in the response and to submit the response in its entirety to pertinent legislative entities.

3. 2011 Legislation. Mr. Harris informed members about legislation impacting the Board. House Bill 1 appropriated \$32.8 million to LPDB. As of June 21, 2011, the House concurred in Senate amendments and HB 1 would be enrolled and sent to the Governor for his signature. The Board would be required to provide representatives for task forces created by HCR 12 (concerning childhood addiction to pornography), SCR 37

(evaluating state law for compliance with *Graham v. Florida*), and HCR 86 (concerning domestic abuse intervention programs). The Board would be required to give information to task forces created by HR 69 (concerning criminal history background checks for people working with older adults) and HSR 4 (concerning firearm related fatalities).

4. **Judiciary Correspondence.** Ms. Faria provided members with copies of correspondence with the judiciary for information only.
5. **SPD Report.** Ms. Faria presented her report to the members and acknowledged the work of Dr. Stilling and the ITM division for the transition to the new data management system. She also recognized Jim Looney and Dieter Pichowiak for their vision and contribution.
6. **Review and Approval of Minutes of May 31, 2011 Meeting.** The Board reviewed the minutes of its meeting on May 31, 2011. Mr. Lorenzi moved to adopt the minutes. The motion was seconded by Mr. Hamilton and was approved without opposition.
7. **Service Restriction Protocol.** Mr. Neuner presented members with a protocol drafted by staff to assist districts with restricting services necessitated by budget constraints. Mr. Lorenzi moved to adopt the protocol and permit it to be amended as necessary. The motion was seconded by Mr. Hamilton and was approved without opposition. Staff was instructed to incorporate input from District Defenders.
8. **Contract Approval for IT back-up.**
 - a. **Resolution.** Dr. Stilling informed members of a need to contract for ITM services for emergencies that occur when IT staff is unavailable. Mr. Hamilton moved to adopt a resolution to authorize the State Public Defender to enter a contract in an amount not to exceed \$10,000 for ITM support for LPDB offices in emergency situations. The motion was seconded by Mr. Lorenzi and was approved without opposition.
9. **LJC-LPDB Collaboration.**
 - a. **Board Appointments.** Ms. Faria informed members that the by-laws for Louisiana Justice Coalition had not yet been amended. Once amended, LPDB will be permitted to appoint one member of its Board to the LJC Board. Members were asked to inform Ms. Faria if they are interested in the opportunity.
10. **Deputy Public Defender/Juvenile Director.**
 - a. **Applicant Update.** Ms. Faria informed members that staff continues to accept submissions for the Deputy Public Defender-Director of Juvenile Services position. Applicants are statutorily required to have at least five years of experience in juvenile defense and a license to practice law in Louisiana. Ms. Faria recommended that the submission period be extended.

11. Other Business

- a. Policy Committee.** Mr. Neuner discussed reducing membership of the Policy Committee by one member. Mr. Lorenzi moved to reduce membership of the Policy Committee from six to five and empower the Chair to solicit resignations. The motion was seconded by Mr. Hamilton and was approved without opposition.
- b. Juvenile Justice Statistics.** Mr. Neuner informed members of juvenile justice data collected by the Office of Juvenile Justice and expressed interest in having them present the data at a future meeting.
- c. Juvenile Defender Meeting.** Ms. Faria informed members of a meeting of invited juvenile defenders facilitated by the National Juvenile Defender Center on July 25 at the LSU Law Center's Tucker Room. Board members with an interest in juvenile justice were invited to attend in the afternoon. Mr. Lorenzi and Ms. Womack expressed interest in attending.
- d. Members Interested in Juvenile Defender Reform.** Board members interested in juvenile defender reform scheduled a meeting on July 6, 2011, at 1:30 p.m. at the LPDB staff office, immediately following the Juvenile Justice Implementation Commission's meeting.
- e. Partial Indigency Determinations.** G. Paul Marx, District Defender in the 15th Judicial District, updated members on partial indigency determination discussions with the judiciary in his district.
- f. SOAP Appointments.** Mr. Di Giulio updated members on litigation concerning Sex Offender Assessment Panel appointments. The Louisiana Supreme Court denied writs taken from the Third Circuit Court of Appeal. The opinion was unclear, and the law remains unclear as to whether public defender offices may be appointed for SOAP hearings.
- g. Litigation Update.** Mr. Harris updated members on the status of *Borrello v. Parish of Jefferson, et al*, in which the Board is a co-defendant. The Board's exception of no cause of action was granted and the Board was dismissed from the suit. Mr. Harris also informed members that *Bice v. LPDB* has been appealed to the U.S. Fifth Circuit Court of Appeals.

12. Next Meeting Date(s). The Board set its next meeting for Wednesday, August 17, 2011, at 2:00 p.m. with a Policy Committee meeting at noon. The location will be determined prior to the meeting.

13. Adjournment. Ms. Womack moved for adjournment.

Guests Present:

Richard Thompson
G. Paul Marx
Reggie McIntyre
Michael A. Mitchell
Herman Castete
J. Clay Carroll

Mike Courteau
Vic Bradley
Tony Champagne
Derwyn Bunton
Alan J. Robert

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board meeting held on the 21st day of June, 2011, as approved by the Board on the 17th day of August, 2011, at Baton Rouge, Louisiana.



Frank Neuner, Chairman